

Municipal Franchise (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Clauses.

1. Interpretation.
 2. Repeal of existing franchise in Dublin.
 3. Repeal of former qualifications of burgesses.
 4. New qualification.
 5. Taxes to be paid.
 6. Aliens not to be burgesses.
 7. Nor persons receiving parochial relief.
 8. Saving of existing burgess rolls.
 9. Lists to be made out and revised with regard to this Act.
 10. Occupier claiming to be rated to be placed on burgess roll.
 11. Misnomer or misdescription not to affect qualification.
 12. Provision as to premises coming by descent.
 13. Provision as to joint occupiers.
 14. Act not generally to alter existing law.
 15. Short title of Act.
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B I L L

TO

Amend the law relating to the Municipal Franchise in Ireland. A.D. 1876.

WHERRAS by an Act of Parliament passed in the sixth year *Preamble.*
of His late Majesty King William the Fourth, intituled "An
" Act to provide for the regulation of Municipal Corporations in
" England and Wales," it was, among other things, enacted that,
5 subject to the provisions therein contained, the qualification of
burgesses in municipal corporations in England and Wales in any
year was declared and defined to be the occupation of premises rated
to the relief of the poor during the said year and the whole of the
two preceding years :

- 10 And whereas by another Act of Parliament passed in the fourth
year of the reign of Her Majesty the now Queen, intituled "An
" Act for the Regulation of Municipal Corporations in Ireland,"
it was, among other things, enacted that the persons to be burgesses
in municipal corporations in Ireland should be qualified as in said
15 Act mentioned :

And whereas the qualification prescribed by said last-mentioned
Act is other than and different from that then by law prescribed
in municipal corporations in England and Wales :

- And whereas by another Act passed in the thirteenth year of
20 Her Majesty's reign, intituled "An Act to amend an Act for the
" regulation of Municipal Corporations in Ireland, so far as relates
" to the borough of Dublin," the qualification of burgesses in the
city of Dublin was altered from that prescribed by the said second-
rected Act, and the qualification of burgesses in said city of Dublin
25 was assimilated to that then required for burgesses in municipal
corporations in England and Wales :

And whereas by another Act passed in the thirty-third year of
Her Majesty's reign, intituled "An Act to shorten the term of
" residence required as a qualification for the municipal franchise,

[Bill 7.]

A 2

A.D. 1876.

"and to make provision for other purposes," it was, among other things, enacted that the period of residence and rating required for such qualification in municipal corporations in England and Wales should be reduced from three years to one; but the provisions of the said last-mentioned Act have not yet been extended to 5 the city of Dublin, and in all the other municipal corporations of Ireland the municipal franchise still continues as fixed by the said second-recited Act of the fourth year of Her Majesty's reign:

And whereas it is expedient and just to establish both in the city of Dublin and in all other Irish municipalities the municipal 10 franchise as same as is now established in England under the said fourth-recited Act of the thirty-third year of Her Majesty's reign, so as to establish in respect of the municipal franchise equality of law between England and Ireland:

Be it therefore enacted by the Queen's most Excellent Majesty, 15 by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Entry provision.

1. The word "borough" in this Act shall mean any city, town, or borough, including the city of Dublin, in which a municipal 20 corporation now exists, or shall hereafter exist, pursuant to the provisions of the said first-recited Act; and "mayor" as to the city of Dublin shall mean "lord mayor."

Repeal of existing franchises in Dublin.

2. The provisions of the said third-recited Act of the thirteenth year of Her Majesty's reign, so far as they require as a qualification 25 for a burgess of the city of Dublin that the person to be enrolled as a burgess should have occupied or been rated for the premises in respect of which he is qualified during the two whole years preceeding that in which he is enrolled as a burgess, shall be and the same are hereby repealed; and the qualification of a burgess in 30 the city of Dublin shall be that prescribed by this Act, but in all other respects, except as relate to such qualification, said Act shall continue in full force and effect.

Repeal of former qualifications of burgesses.

3. From and after the passing of this Act so much of the said second-recited Act as requires that the premises in respect of the 35 occupation of which any person shall be qualified as a burgess in any borough shall be of the yearly value of not less than ten pounds, to be ascertained and determined in manner in said Act mentioned, shall be and the same is hereby repealed.

New qualification.

4. In lieu and stead of the qualification required by the said Acts 40 the following shall be the qualification of burgesses in the city of Dublin and in every other borough in Ireland; that is to say, at

any revision of the burgess roll of any borough which shall take place after the passing of this Act, subject as herein-after mentioned:

A.D. 1876.

Every person of full age who on the last day of the preceding August shall have occupied any house, warehouse, counting-house, shop, or other building within such borough during the whole of the preceding twelve calendar months, and also during the time of such occupation shall have been an inhabitant householder within the said borough, or within seven statute miles of the said borough, shall be entitled to be enrolled in accordance with the provisions of the statutes in that case made and provided, and on being so enrolled shall be a burgess of such borough, and member of the body corporate of the mayor, aldermen, and burgesses of such borough: Provided always, that no such person shall be so enrolled in any year unless he shall have been rated in respect of such premises so occupied by him within the said borough to all rates made for the relief of the poor of the electoral division or union wherein such premises are situated during the time of his occupation as aforesaid: Provided also, that in every case provided in this Act the distance of seven statute miles shall be computed by the nearest public road or way by land or water.

Provided also, that the premises in respect of the occupation of which any person shall have been so rated need not be the same premises or in the same parish or electoral division or union, but may be different premises in the same parish or in different parishes or different electoral divisions or unions.

5. No person shall be entitled to be so enrolled as a burgess unless on or before the said last day of August he shall have paid all rates and taxes, the payment of which would be necessary by law to entitle him to be placed on the burgess roll if this Act had not been passed, provided only that it shall not be necessary for him to have paid any such taxes as shall have become payable within six calendar months before the said last day of August.

Taxes to be paid.

6. No person being an alien shall be entitled to be enrolled as a burgess, or to vote as a burgess in any borough.

Aliens not to be burgesses.

7. No person shall be so enrolled or vote in any year who, within twelve calendar months next before the said last day of August, shall have received relief under the Acts for the more effectual relief of the destitute poor in Ireland, or any pension or charitable allowance from any fund entrusted to the charitable trustees of such borough.

Not persons receiving parochial relief.

A.D. 1876.

Provided always, that no medical or surgical assistance given by the charitable trustees of the said borough shall be taken to be such charitable allowance as shall disqualify any person from being enrolled a burgess, nor shall any person be so disqualified by reason that any child of such person shall have been admitted and taught within any public or endowed school.

Saving of
existing bur-
gess rolls.

8. Nothing in this Act contained shall affect or interfere with any existing burgess roll, but same shall continue in force and effect in all respects as it would have done if this Act had not been passed.

Lists to be
made out and
revised with
regard to
this Act.

9. Except as relates to the qualification of a burgess this Act shall not in any manner affect the making out of any lists now required by law to be made out by any persons preparatory to the revision of the burgess roll of any borough, but all the provisions of any statute relating to such lists and the making out of same shall continue in full force and effect as if this Act had not been passed, except that all persons making out such lists, or doing any act in relation to the same, shall have, and they are hereby required to have, regard to the new qualifications enacted by this Act, as if such qualifications had been prescribed in the Acts under which such lists are made out.

Occupier
claiming to
be rated to
be placed on
burgess roll.

10. Any person occupying any premises in any borough the occupation of which would entitle him to be placed upon the burgess roll if he were rated in respect of same, shall be entitled to be so placed on the burgess roll on proving that he has claimed to be rated in manner provided by the said second-recited Act of the fourth year of Her Majesty's reign, and complied with the requirements of the said Act and of all other Acts in that case made and provided, and all the provisions now in force relating to such claim and the consequences thereof shall continue in full force and effect, and be applicable to the franchise and qualification enacted by this Act.

Misnomer
or misde-
scription not
to affect
qualification.

11. And in order to provide against any person being prevented from being enrolled as a burgess by reason of any misnomer or inaccurate or insufficient description in a rate of the person occupying any such premises as herein-before mentioned, or by reason of any inaccurate description of the premises so occupied, be it therefore declared and enacted, that where any person shall have occupied such premises as in this Act are mentioned for the time herein-before mentioned next previous to the last day of August in any year, being the person liable to be rated for such premises, shall have been bona fide called upon in respect to such premises to pay, and shall have bona fide paid on or before the last day of August in such year, all rates for the relief of the poor made in respect of

such premises which he would be required to pay in order to be enrolled as a burgess for the borough if he had been named in such rate as the occupier of such premises, such person shall be considered as having been rated to the relief of the poor and paid all such rates in respect of such premises within the meaning of the said recited Act and this Act, and be entitled, if otherwise qualified, to be enrolled as a burgess of the said borough in respect of such premises in any year, any misnomer or insufficient description in any rate of the person so occupying, or of the premises occupied, notwithstanding.

A.D. 1876.

12. And be it enacted, that where any house, warehouse, counting-house, shop, or other building in the said borough shall come to any person by descent, marriage, marriage settlement, devise, or promotion to any benefice or office, such person shall be entitled to reckon the occupancy and rating in respect of the occupancy thereof by the person from or by whom such house, warehouse, counting-house, shop, or other building shall have so come to him as his own occupancy and rating conjointly with the time during which he shall have since occupied and been rated for the same, and shall be entitled to be enrolled a burgess in respect of such successive occupancy and rating, provided he shall be otherwise qualified as herein provided.

Provision as to persons coming by descent.

13. Whereas it is provided by the said second-recited Act that where any premises in any borough should be jointly occupied by more persons than one as owners or tenants, each of such joint occupiers should, subject to the conditions of the said Act, be entitled to be enrolled as a burgess for such borough in respect of the premises so jointly occupied, provided that the value of such premises, to be ascertained and determined as in said Act provided, should be of an amount which when divided by the number of such occupiers shall give for each occupier a sum not less than the sum which would entitle each person to be enrolled or to vote according to the provisions of such Act, if he occupied separately, but not otherwise; be it enacted, that such provision shall be and the same is hereby repealed, and for the purposes of this Act every person occupying any premises in any borough jointly with any other person shall be deemed to occupy such premises within the meaning of this Act.

Provision as to joint occupants.

14. Nothing in this Act contained shall alter or in any manner affect the provisions of any statute which at the time of its passing may be in force in any borough in anywise relating to the municipal corporation of such borough, or the enrolment of burgesses, or the

Act not generally to alter existing law.

A.D. 1876. making out of any list, or any other matter or thing whatsoever, except so far as such provisions are hereby expressly repealed or are inconsistent with the provisions enacted by this Act.

Short title of Act. 15. This Act may be cited on all occasions and for all intents and purposes as "The Municipal Franchise (Ireland) Act, 1875." 5

Municipal Franchise (Ireland).

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B I L L,

To amend the law relating to the Municipal Franchise in Ireland.

*(Prepared and brought in by
Major O'Connell, Mr. Butt, Mr. Jackson & Power,
and Mr. Colman (O'Leary).)*

*Ordered, by The House of Commons, to be Printed,
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[Bill 7.]

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